
Introduced by Senator Chesbro

February 22, 2005

An act to amend Section 14495.10 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 791, as introduced, Chesbro. Medi-Cal: continuous skilled nursing care benefit: pilot project.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits.

Existing law requires the department to establish a pilot program to provide continuous skilled nursing care as a benefit of the Medi-Cal program when those services are provided in accordance with an approved federal waiver meeting certain requirements. Existing law establishes program eligibility requirements for health facilities and individuals with developmental disabilities participating in the pilot program. Existing law repeals the pilot program as of January 1, 2006.

This bill would extend the repeal date to January 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14495.10 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 14495.10. (a) The department shall establish a pilot program
- 4 to provide continuous skilled nursing care as a benefit of the
- 5 Medi-Cal program, when those services are provided in
- 6 accordance with an approved federal waiver meeting the

requirements of subdivision (b). “Continuous skilled nursing care” means medically necessary care provided by, or under the supervision of, a registered nurse within his or her scope of practice, seven days a week, 24 hours per day, in a health facility participating in the pilot program. This care shall include a minimum of eight hours per day provided by or under the direct supervision of a registered nurse. Each health facility providing continuous skilled nursing care in the pilot program shall have a minimum of one registered nurse or one licensed vocational nurse awake and in the facility at all times.

(b) The department shall submit to the federal Health Care Financing Administration, no later than April 1, 2000, a federal waiver request developed in consultation with the State Department of Developmental Services and the Association of Regional Center Agencies, pursuant to Section 1915(b) of the federal Social Security Act to provide continuous skilled nursing care services under the pilot program.

(c) (1) The pilot program shall be conducted to explore more flexible models of health facility licensure to provide continuous skilled nursing care to ~~developmentally disabled~~ individuals *with developmental disabilities* in the least restrictive health facility setting, and to evaluate the effect of the pilot program on the health, safety, and quality of life of individuals, and the cost-effectiveness of this care. The evaluation shall include a review of the pilot program by an independent agency.

(2) Participation in the pilot program shall include 10 health facilities provided that the facilities meet all eligibility requirements. The facilities shall be approved by the department, in consultation with the State Department of Developmental Services and the appropriate regional center agencies, and shall meet the requirements of subdivision (e). Priority shall be given to facilities with four to six beds, to the extent those facilities meet all other eligibility requirements.

(d) Under the pilot program established in this section, ~~a developmentally disabled~~ *an individual with a developmental disability* is eligible to receive continuous skilled nursing care if all of the following conditions are met:

(1) ~~The developmentally disabled~~ individual meets the criteria as specified in the federal waiver.

1 (2) The ~~developmentally disabled~~ individual resides in a health
2 facility that meets the provider participation criteria as specified
3 in the federal waiver.

4 (3) The continuous skilled nursing care services are provided
5 in accordance with the federal waiver.

6 (4) The continuous skilled nursing care services provided to
7 the ~~developmentally disabled~~ individual do not result in costs that
8 exceed the fiscal limit established in the federal waiver.

9 (e) A health facility seeking to participate in the pilot program
10 shall provide care for ~~developmentally disabled~~ individuals *with*
11 *developmental disabilities* who require the availability of
12 continuous skilled nursing care, in accordance with the terms of
13 the pilot program. During participation in the pilot program, the
14 health facility shall comply with all the terms and conditions of
15 the federal waiver described in subdivision (b), and shall not be
16 subject to licensure or inspection under Chapter 2 (commencing
17 with Section 1250) of Division 2 of the Health and Safety Code.
18 Upon termination of the pilot program and verification of
19 compliance with Section 1265 of the Health and Safety Code, the
20 department shall immediately reinstate the participating health
21 facility's previous license for the balance of time remaining on
22 the license when the health facility began participation in the
23 pilot program.

24 (f) The department shall implement this pilot program only to
25 the extent it can demonstrate fiscal neutrality, as required under
26 the terms of the federal waiver, and only if the department has
27 obtained the necessary approvals to implement the pilot program
28 and receives federal financial participation from the federal
29 Health Care Financing Administration.

30 (g) In implementing this article, the department may enter into
31 contracts for the provision of essential administration and other
32 services. Contracts entered into under this section may be on a
33 noncompetitive bid basis and shall be exempt from the
34 requirements of Chapter 2 (commencing with Section 10290) of
35 Part 2 of Division 2 of the Public Contract Code.

36 (h) This section shall remain in effect only until January 1,
37 ~~2006~~ 2008, and as of that date is repealed, unless a later enacted
38 statute that becomes effective on or before January 1, ~~2006~~ 2008,
39 deletes or extends that date.

O